IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5425 of 2007()

CRIME NO.513/2007 OF HOSDURG POLICE STATION

PETITIONERS/ACCUSED 3 & 4

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1. P. KRISHNAN, AGED 48 YEARS,
   S/O. CHIRUKANDAN, RESIDING AT THAIKKADAPPURAM,
   THAIKKADAPPURAM P.O. NILESHWAR,
   KASARAGOD DISTRICT.

2. A.KUNHAMBU, AGED 47 YEARS,
   S/O. LATE KORAN, RESIDING AT MATTUMMEL HOUSE,
   KOLAVAYAL, KOLAVAYAL P.O.,
   KASARAGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS: COMPLAINANT

THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5425 of 2007

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Dated this the 10th day of September, 2007

ORDER

Application for anticipatory bail. The petitioners face allegations under Sec.498A. The petitioners are the brothers in law of the de facto complainant, who is the wife of the first accused. Crime was registered on 25.8.07. The investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners – brothers in law of the principal accused/ husband are absolutely innocent. All the allegations are being raised solely because of the strain in the infant matrimonial relationship. The anticipatory bail may, in these circumstances, be granted to the petitioners, it is submitted.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners. In coming to the conclusion, I take note of the fact that the arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed in the interests of a fair, efficient and proper

investigation.

4. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m on 17.09.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on 18.09.07 and 19.09.07 and thereafter on all Mondays and Fridays for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 17.9.07, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 17.09.07.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE